

I hereby certify that this communication is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Attn: Box Missing Parts
Washington, D.C. 20231

On June 18, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Kathy [Signature]

Patent
Attorney Pocket No.: 021258-000200US



COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Owens

Application No.: 10/057,726

Filed: January 24, 2002

For: METHODS AND COMPOSITIONS
FOR EXPRESSING
POLYNUCLEOTIDES SPECIFICALLY
IN SMOOTH MUSCLE CELLS IN VIVO

Examiner: Not yet assigned

Art Unit: Not yet assigned

TRANSMITTAL LETTER

Attn: Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed are the following to be made of record in the above-identified application:

- 1) Fee Transmittal
- 2) Communication
- 3) Executed Declaration and Power of Attorney
- 4) Petition for Extension of Time
- 5) Return receipt postcard

Please charge Deposit Account No. 20-1430 for the following fees:



COPY

Small Entity:	(a)	Filing Fee (§ 1.16(a)) (Small Entity)	\$370.00
	(b)	Excess Claims Fees (§ 1.16(b), (c)):	
		34 - 20 = 14 x \$9.00 =	\$126.00
		4 - 3 = 1 x \$42.00 =	\$42.00
	(c)	Missing Parts Surcharge	\$65.00
	(d)	Petition for Extension of Time – 2 months	\$200.00
		TOTAL FEES TO BE CHARGED	\$803.00

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430.

Respectfully submitted,

Hugh Wang
Reg. No. 47,163

Customer No. 20350

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415 576-0300
HW:ksj



UNITED STATES PATENT AND TRADEMARK OFFICE

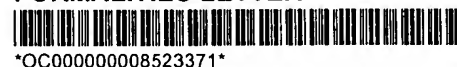
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/057,726	01/24/2002	Gary K. Owens	021258-000200US

CONFIRMATION NO. 2786

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

FORMALITIES LETTER



OC000000008523371

Date Mailed: 07/26/2002

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 06/24/2002 to the Notice to File Missing Parts (Notice) mailed 02/26/2002 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
 - drawings contain excessive text. Suitable descriptive legends may be used, or may be required by the Examiner where necessary for understanding of the drawing but should contain as few words as possible (see 37 CFR 1.84(o));

05 05 CH
126.00 CH
65.00

01 2001
02 2002
03 2003
04 2005

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- Additional claim fees of **\$168** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$603** for a Small Entity

- **\$370** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$168**
 - **\$126** for **14** total claims over 20.
 - **\$42** for **1** independent claims over 3.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



X

PATENT
Attorney Docket No.: 021258-000200US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Owens

Application No.: 10/057,726

Filed: January 24, 2002

For: METHODS AND COMPOSITIONS
FOR EXPRESSING
POLYNUCLEOTIDES SPECIFICALLY
IN SMOOTH MUSCLE CELLS IN VIVO

Examiner: Not yet assigned

Art Unit: Not yet assigned

**Response to Notice of Incomplete Reply
and
Petition for Extension of Time**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Notice of Incomplete Reply mailed July 26, 2002 in the above-referenced patent application. The Notice requested that Applicants submit basic filing fee, oath and declaration, as well as substitute drawings.

In response, Applicants note that on June 18, 2002, Applicants have already submitted a response enclosing the required filing fee, executed declaration, and a petition for extension of time. Applicants attach herewith a copy of the return postcard which was date-stamped by the U.S. Patent and Trademark Office. This postcard indicates that the declaration and fees have been timely submitted.

Applicants also submit herewith the requested substitute drawings (formal drawings). It is noted that Applicants have previously petitioned for a two month extension of time (from April 26, 2002 to June 26, 2002). Applicants hereby petition for extending the time for submitting the instant Reply for two more months, i.e., from June 26, 2002 to August 26, 2002.

08/27/2002 WABDELRI 00000033 201430 10057726

05 FC:218 520.00 CH

As explained in Applicants' submission of June 18, 2002, Applicants never received the original Notice of Missing Parts dated February 26, 2002. As a result, Applicants were not aware that substitute drawings were required when the June 2002 submission was mailed. Therefore, it would be unreasonable to require Applicants to bear further extension fees for submit the substitute drawings at this time. However, **if the Office believes that an extension fee is required for the instant submission, the Commissioner is authorized to charge \$520.00 to the undersigned Deposit Account No. 20-1430.** Such amount is the difference between a four month extension fee (\$720.00) (from April 26, 2002 to August 26, 2002) and the two month extension fee (\$200.00) previously paid for a small entity. Please charge any additional required fees, or credit any overpayments, to the deposit account.

Applicants believe that the instant submission completes the filing of the subject application. The issuance of a corrected filing receipt is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Hugh Wang
Reg. No. 47,163

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
PA 3244653 v1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT
Attorney Docket No.: 021258-000200US

Assistant Commissioner for Patents
Washington, D.C. 20231

On June 18, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Kathryn [Signature]



COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Owens

Application No.: 10/057,726

Filed: January 24, 2002

For: METHODS AND COMPOSITIONS
FOR EXPRESSING
POLYNUCLEOTIDES SPECIFICALLY
IN SMOOTH MUSCLE CELLS IN VIVO

Examiner: Not yet assigned

Art Unit: Not yet assigned

COMMUNICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The subject application was filed on January 24, 2002. No filing receipt and/or notice of missing parts have been received from the U.S. Patent and Trademark Office. On May 7, 2002, Applicants' undersigned representative telephoned the Office of Initial Patent Examination of the PTO and was informed that a notice of missing parts was mailed by the PTO on February 26, 2002. At that time, the undersigned requested a duplicate copy of the notice of missing parts, which is yet to be received by the Applicants.

To avoid further delay in the initial examination of the subject application, Applicants submit herewith the required fees and the Declaration and Power of Attorney executed by the Applicants. In addition, a paper copy and a CRF copy of the sequence listing are

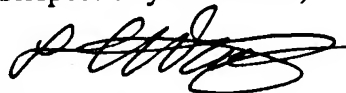
Gary K. Owens
Application No.: 10/057,726
Page 2

PATENT
COPY

being submitted concurrently to the U.S. Patent and Trademark Office at Box Sequence, P.O. Box 2327, Arlington, VA 22202. Applicants believe that these submissions complete the filing of the subject application. The issuance of a corrected filing receipt is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

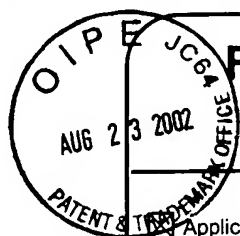
Respectfully submitted,



Hugh Wang
Reg. No. 47,163

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
PA 3230036 v1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	10/057,726
Filing Date	January 24, 2002
First Named Inventor	Owens, Gary K.
Examiner Name	Unassigned
Group Art Unit	Unassigned
Attorney Docket No.	021258-000200US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ MoneyOrder ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: **20-1430**

Deposit Account Name: **Townsend and Townsend and Crew LLP**

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = X =

Independent Claims -3** = X =

Multiple Dependent X =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____				Response to Notice of Incomplete Reply	
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	(\$)

SUBMITTED BY

Name (Print/Type)	Hugh Wang	Registration No. (Attorney/Agent)	47,163	Telephone	650-326-2400
Signature				Date	August 23, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

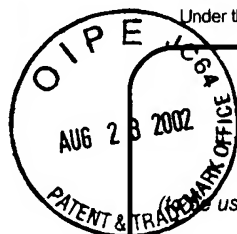
Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. PA 3245483 v1

Please type a plus sign (+) inside this box → ☒

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(Form used for all correspondence after initial filing)

Application Number	10/057,726		
	Filing Date	January 24, 2002	
	First Named Inventor	Owens, Gary K.	
	Group Art Unit	Unassigned	
Examiner Name	Unassigned		
Total Number of Pages in This Submission	1	Attorney Docket Number	021258-000200US

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copies as indicated in the Remarks Section Return Postcard
Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. Copy of Stamped Return Postcard dtd 06/18/02 Copy of Transmittal Letter dtd 06/18/02 Copy of Fee Transmittal dtd 06/18/02 Copy of Communication dtd 06/18/02 Copy of Executed Declaration and Power of Attorney filed 06/18/02 Copy of Petition for Extension of Time dtd 06/18/02		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Hugh Wang	Reg. No. 47,163
Signature		
Date	August 23, 2002	

CERTIFICATE OF MAILING

Express Mail Label: EL380688200US		
I hereby certify that this correspondence is being deposited with the United States Postal Service with "Express Mail Post Office to Address" service under 37 CFR 1.10 on this date August 23, 2002 and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231		
Typed or printed name	Daniel Miranda	
Signature		Date August 23, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. PA 3245492 v1



COPY

UNITED STATES PATENT AND TRADEMARK OFFICE
Please stamp your date of receipt of the following documents and return to addressee:

First Class Mail Date: June 18, 2002
File No.: 021258-000200US
Application No.: 10/057,726
Attorney: HW/ksj

1. Transmittal Letter (2 pages);
2. Fee Transmittal (1 page);
3. Communication (2 pages);
4. Executed Declaration and Power of Attorney (in counterparts – 4 pages); and
5. Petition for Extension of Time (1 page).

PA 3230174 v1

Copy to docketing 6/19/02